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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

Case No. CR02-35-JCC

10 v.)

11 TYRONE BEVOLEY,
aka SHANNON TYRONE JOHNSON,)

12 Defendant.)

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

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14 INTRODUCTION

15 I conducted a hearing on alleged violations of supervised release in this case on January 8,
16 2010. The defendant appeared pursuant to warrant issued in this case. The United States was
17 represented by Tessa Gorman, and defendant was represented by Catherine Chaney. Also
18 present was U.S. Probation Officer Brian Facklam. The proceedings were digitally recorded.

19 SENTENCE AND PRIOR ACTION

20 Defendant was sentenced on October 4, 2002 by the Honorable John C. Coughenour for
21 Distribution of Cocaine. He received 84 months of detention and 3 years of supervised release.
22 On March 1, 2009, a violation report and request for no action was submitted alleging that Mr.
23 Bevoley had violated his conditions of supervision by smoking marijuana. No action was taken
by the Court as requested.

PROPOSED FINDINGS OF FACT AND DETERMINATION AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 1

1 PRESENTLY ALLEGED VIOLATIONS

2 In a petition dated August 28, 2009, U.S. Probation Officer Brian Facklam alleged that
3 defendant violated the following conditions of supervised release:

- 4 1. Using cocaine on or about July 22, 2009 in violation of standard condition 7.
5 2. Using cocaine on or about August 12, 2009 in violation of standard condition 7.
6 3. Failing to appear for drug testing on August 26, 2009, in violation of special
7 condition 3.
8 4. Failing to report as directed August 28, 2009, in violation of standard condition 2.
9 5. Failing to participate as instructed in an approved program for treatment of narcotic
10 addiction, drug dependency, or substance abuse in violation of special condition 3.

11 FINDINGS FOLLOWING EVIDENTIARY HEARING

12 The government withdrew violation 3. Defendant admitted to violations, 1, 2, 4, and 5,
13 waived any hearing as to whether they occurred, and was informed the matter would be set for a
14 disposition hearing on Tuesday, January 29, 2010 at 10:30 a.m. before District Judge John C.
15 Coughenour.

16 RECOMMENDED FINDINGS AND CONCLUSIONS

17 Based upon the foregoing, I recommend the court find that defendant has violated the
18 conditions of his supervised release as alleged above, and conduct a disposition hearing.

19 DATED this 8th day of January, 2010.
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22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge